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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

JABBAR SACHET AL-KHAFAGI,

Case No. 2:19-cv-00669-AN

Plaintiff,

v.

CARL CRITES, Oregon State Correctional  
Institution (OSCI), Registered Nurse (RN);  
LORETTA IRVING, (OSCI) Medical  
Services Manager; CHRISTOPHER  
DIGIULGIO, Oregon Department of  
Corrections (ODOC) Medical Director;  
JOE BUGHER, ODOC Health  
Administrator; and JOHN AND JANE  
DOES 1-20,

MOTION FOR PRE-APPROVAL OF  
OUT-OF-POCKET EXPENSES

Defendants.

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Pursuant to the Court's Pro Bono Representation Program, counsel hereby moves the Court for the following pre-approval for out-of-pocket expenses to represent Jabbar Sachet Al-Khafagi: (1) an expert witness; (2) a third party to prepare a medical chronology; and (3) lodging and travel expenses if the trial takes place in Pendleton, Oregon. Counsel also respectfully requests pre-approval to incur more than the \$10,000 contemplated in the Court's program.

Counsel was recently appointed to represent Jabbar Sachet Al-Khafagi in this case, which is scheduled for a 5-day jury trial beginning October 21, 2024, in Pendleton, Oregon.<sup>1</sup> Among other things, Al-Khafagi alleges that defendants provided inadequate medical care while he was incarcerated, resulting in him losing his vision and, ultimately, his eye.

First, counsel seeks pre-approval to retain an expert. Counsel estimates the following expenses for an ophthalmologist expert witness for document review and trial testimony in person: \$7,500–\$8,500 (Portland trial), \$9,500–\$10,500 (Pendleton trial).

Second, counsel requests pre-approval to retain a third party to review medical records and provide a chronology. Counsel recognizes that these costs are not included in the description of allowable out-of-pocket requests. Considering, however, the complex medical issues and limited time frame for counsel to prepare the case for trial, work product from a professional third party who can synthesize this information is necessary. Counsel intends to engage Becky Johnson, RN, JD, of Johnson Medical Insights, LLC, who would work at a reduced rate of \$150/hour. Johnson estimates spending 25 hours to review records write a chronology, with an estimated total cost of \$3,750. A copy of Johnson's CV is attached as Exhibit A to the Declaration of Heather J. Van Meter.

Third, if the trial takes place in Pendleton, Oregon, Counsel will need to incur costs for travel, meals, and lodging. Counsel for plaintiff is based in Vancouver, Washington, and Portland, Oregon. Travel expenses (mileage, hotel, meals) for two attorneys if the trial in

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<sup>1</sup> Plaintiff has moved for trial to take place in Portland. *See* ECF No. 122.

Pendleton is \$400/person/day. If the trial is in Portland, no travel expenses are requested.

The estimated costs exceed \$10,000. Accordingly, counsel respectfully requests that the Court pre-approve incurring an excess of \$10,000 to represent Al-Khafagi, for which counsel will seek reimbursement at the conclusion of representation.

**ESTIMATED EXPENSES:**

**Expert witness**

**Portland trial:** \$7,500 – \$8,500.

**Pendleton trial:** \$9,500 – \$10,500.

**Medical chronology:** \$3,750.

**Travel**

**Portland trial:** None.

**Pendleton trial:** \$4,000.

**TOTAL ESTIMATED EXPENSES**

**Portland trial:** \$11,250 – \$12,250.

**Pendleton trial:** \$17,250 – \$18,250.

Counsel has not previously submitted a claim for reimbursement in this case.

DATED this 20th day of May, 2024.

MILLER NASH LLP

s/ Sophia C. von Bergen

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